

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

WEDNESDAY, October 7, 2009

The Chief Clerk makes the following entries under the above date.

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CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 208** offered by Senator Kreitlow.

Senate amendment 1 to **Senate Bill 288** offered by Senator Jauch.

Senate amendment 3 to **Senate Bill 288** offered by Senator Jauch.

Senate amendment 2 to **Senate Bill 288** offered by Senator Jauch.

Senate amendment 1 to **Senate Bill 299** offered by Senator Jauch.

Senate amendment 2 to **Senate Bill 299** offered by Senator Jauch.

Senate amendment 3 to **Senate Bill 299** offered by Senator Jauch.

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The Chief Clerk makes the following entries dated **Tuesday, October 6, 2009**.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 66** offered by Senators Sullivan, Taylor and Decker.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 66** offered by Senator Sullivan.

Senate amendment 3 to **Senate Bill 259** offered by Senator Taylor.

Senate amendment 2 to **Senate Bill 259** offered by Senator Taylor.

Senate amendment 1 to **Senate Bill 331** offered by Senator Jauch.

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PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

October 6, 2009

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 200	Act 44	October 6, 2009
Senate Bill 257	Act 45	October 6, 2009
Senate Bill 195	Act 49	October 6, 2009

Respectfully Submitted,
JIM DOYLE
Governor

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Pursuant to Senate Rule 17 (5), Representative Sinicki added as a cosponsor of **Senate Bill 326**.

Pursuant to Senate Rule 17 (5), Representative Spanbauer removed as a cosponsor of **Senate Bill 203**.

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REPORT OF COMMITTEES

The committee on **Environment** reports and recommends:

Assembly Bill 139

Relating to: littering and providing a penalty.

Concurrence.

Ayes, 4 – Senators Miller, Jauch, Wirch and Olsen.

Noes, 1 – Senator Kedzie.

Assembly Bill 258

Relating to: the disposal of used automotive engine oil filters and oil absorbent materials and providing a penalty.

Concurrence.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Noes, 0 – None.

Assembly Bill 281

Relating to: the restriction on the amount of phosphorus in certain cleaning agents.

Concurrence.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Noes, 0 – None.

MARK MILLER

Chairperson

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The committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** reports and recommends:

Senate Bill 147

Relating to: administration of grant funds under the county–tribal cooperative law enforcement program.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
 Noes, 0 – None.

Senate Bill 148

Relating to: liability for actions of tribal law enforcement officers when enforcing state laws.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
 Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Taylor, Sullivan, Erpenbach and Grothman.
 Noes, 1 – Senator Hopper.

Senate Bill 251

Relating to: costs of transporting by ferry an arrested person.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
 Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
 Noes, 0 – None.

Senate Bill 259

Relating to: the homestead exemption and increases in the value of the exemption for various property that is exempt from execution.

Adoption of Senate Amendment 2.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
 Noes, 0 – None.

Adoption of Senate Amendment 3.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
 Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Taylor, Sullivan, Erpenbach and Hopper.
 Noes, 1 – Senator Grothman.

Senate Bill 66

Relating to: operation of a motor vehicle while under the influence of an intoxicant and providing a penalty.

Adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
 Noes, 0 – None.

Introduction and adoption of Senate Amendment 2 to Senate Substitute Amendment 1.

Ayes, 3 – Senators Sullivan, Erpenbach and Grothman.
 Noes, 2 – Senators Taylor and Hopper.

Adoption of Senate Substitute Amendment 1.

Ayes, 3 – Senators Taylor, Sullivan and Erpenbach.
 Noes, 2 – Senators Grothman and Hopper.

Passage as amended.

Ayes, 3 – Senators Taylor, Sullivan and Erpenbach.

Noes, 2 – Senators Grothman and Hopper.

LENA TAYLOR
 Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State

October 7, 2009

The Honorable, the Legislature:

Bill Number	Act Number	Publication Date
Senate Bill 185	Act 40	October 14, 2009

Sincerely,
DOUGLAS LA FOLLETTE
 Secretary of State

State of Wisconsin
Department of Administration

September 30, 2009

The Honorable, The Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to utilize the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of August 2009.

August 2009 Utilization of Temporary Reallocation Authority

[in millions]

Fund	Beg Bal	End Bal	Low Bal	Reason for Cash Deficit
General	-\$226.0	\$260.3	-\$231.2	Timing of revenues and expenditures
Medical Assistance Trust	-208.5	105.8	-208.5	Timing of revenues and expenditures
Insured Patients and Families Compensation	-56.9	-48.2	-56.9	See detailed explanation below
Utility Public Benefits	-4.8	-5.8	-6.4	Timing of revenues and expenditures
Permanent Endowment	307.1	-2.0	-2.0	See detailed explanation below
Mediation	-0.1	-0.1	-0.1	Timing of revenues and expenditures
Dry Cleaner Environmental Response	0.1	0.4	-0.1	Timing of revenues and expenditures

The cash deficit in the Injured Patients and Compensation Fund was due to the transfer of \$200 million to the Medical

Assistance Trust Fund per [2007 Wisconsin Act 20](#), and the pending liquidation of fund securities necessary to offset this shortfall. The cash deficit in the [Permanent Endowment Fund](#) was due to the difference between the deposit of \$307 million in bond proceeds and a \$309 million transfer to the Medical Assistance Trust Fund.

The General Fund, Medical Assistance Trust Fund, Injured Patients and Families Compensation Fund, Utility Public Benefits Fund, Permanent Endowment Fund, Mediation Fund, and Dry Cleaner Environmental Response Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority and, as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,
MICHAEL L. MORGAN
Secretary

Referred to joint committee on **Finance**.

Supreme Court of Wisconsin

October 1, 2009

The Honorable, The Legislature:

Pursuant to s. [758.19\(5\)\(i\)](#), Wis. Stats., the information reported to the Director of State Courts under s. [758.19\(5\)\(e\)](#) and [758.19\(6\)\(d\)](#), Wis. Stat., each county is required to submit an annual report to the Director of State Courts which provides information on the actual amount expended in the previous calendar year for court costs relating to the circuit court support and the guardian ad litem payment programs. Since counties do not submit audited reports, there are differing and inconsistent accounting practices among and within counties so the following reported expenditures are not comparable among counties. Starting in fiscal year 2010 the Director of State Courts Office will be performing audits of these expenditures to ensure consistency and uniformity among and within counties when reporting this information.

Sincerely,
JOHN VOELKER
Director of State Courts

**State of Wisconsin
Government Accountability Board**

October 6, 2009

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2009–2010 session of the legislature, visit the Government Accountability Board's web site at:

<http://ethics.state.wi.us/>.

Carey, Ray
Childress, Jason
Christianson, Peter C

Reed Elsevier Inc.
Reed Elsevier Inc.
Accenture LLP

Essie, Patrick
Hoven, Timothy

Huggins, Melissa
Keckhaver, John

Lathrop, Johanna

McGowan, Danny L.

Natzke, Ryan
Nelson, Shannon

Schoepke, Jeffrey

Tyre, Scott

Walby, Kathleen
Walker, Marvin

Altria Client Services Inc
Johnson & Johnson
Meriter Health Services, Inc.
Wisconsin Coalition Against
Sexual Assault
Wisconsin Public Interest
Research Group (WISPIRG)
Wisconsin Teamsters Joint
Council 39
Johnson & Johnson
Wisconsin Public Interest
Research Group (WISPIRG)
Koch Companies Public
Sector, LLC
H&R Block Management,
LLC
Reed Elsevier Inc.
Wisconsin Coalition for
Consumer Choice

Also available from the Wisconsin Government Accountability Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,
KEVIN KENNEDY
Director and General Counsel

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

September 4, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HANNA, MARK, of Sheboygan, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2012.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Economic Development**.

**State of Wisconsin
Office of the Governor**

September 11, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HENZL, ROBERT, of Racine, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2011.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Economic Development**.

**Motions Under Senate Rule 98 and Joint Rule 7
for the Month of September 2009**

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Don Adelman, on the occasion of his fifty years of service to the Cazenovia Fire Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for the family and friends of Mrs. Ora Allen, on the occasion of honoring her memory.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Sullivan, for Laura Ball, on the occasion of winning first place in the nation for her paper in the 2009 National History Day.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Michael R. Baran, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Neal Beckman, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lehman, for the Racine Belles, on the occasion of the All-American Girls Professional Baseball League and the Racine Belles 2009 league reunion in Milwaukee.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Bellin College, on the occasion of celebrating its 100th year of educating nursing professionals.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Joshua Boehlke, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Stephen James Bormann, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Bishop R.J. Burt, Sr., on the occasion of his years of dedication to the ministry.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Matthew Christoff, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Ethan Clinton, on the occasion of earning the New Berlin Police Department Citizen Lifesaving Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Ty Clinton, on the occasion of earning the New Berlin Police Department Citizen Lifesaving Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Larry Dallia, on the occasion of his retirement after 29 years with the State of Wisconsin.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for Riley Denu, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Vince Duren, on the occasion of his fifty years of service to the Cazenovia Fire Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Mitchell Eggers, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Ian J. Elliot, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Sullivan, for David Ellis, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for The Fox Lake Fire Department, on the occasion of the celebration of their anniversary and years of dedicated service to the community.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grothman, for Jordan Michael Golden, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grothman, for Ian Scott Gronbeck, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Rueben and Mildred Harpole, Jr., on the occasion of 50 years of dedicated service to the community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Kevin Hash, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Sullivan, for John Jorgensen, on the occasion of his outstanding service to the Milwaukee and Wauwatosa Communities.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for Alex Kirchman, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Alexander Kondo, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Lac Courte Oreilles Ojibwe School Project Citizen Students, on the occasion of their extraordinary project and it's national success.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Justin A. Lewis, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Sullivan, for Kyle R. Manske, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for the Marshfield Clinic's Research and Education Foundations, on the occasion of its 50th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Kyle Meidenbauer, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Alexander Pamperin, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Dr. Eric Paulsen, on the occasion of receiving the Optometrist of the Year Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for the Random Lake Fire Department, on the occasion of their 20+ years of dedicated service to the community and surrounding communities in keeping them safe.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Eric Carl Schwartz, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Ms. Phyliss Spence, on the occasion of her retirement after years of dedication to the education of the children in the Milwaukee community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Eric Walker Sprouse, on

the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Roger R. Steen, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Tommy T. Tradewell, on the occasion of his homecoming and the appointment of Commander-in-Chief of the Veterans of Foreign Wars of the United States.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for the Village of Waterloo, on the occasion of the celebration of its Sesquicentennial.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Vinehout, for Luke Vinehout, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Darlo Wentz, on the occasion of receiving a UW Colleges and UW–Extension 2009 Chancellor’s Friend and Advocate Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Austin Winkler, on the occasion of earning and attaining the rank of the Eagle Scout Award.